

**AMENDMENT TO COMMITTEE PRINT**  
**OFFERED BY MR. NORWOOD**

Bill no. <u>FL Committee Print</u>
Amendment no.: <u>11</u>
Date offered: <u>3/19/03</u>
Disposition: <u>Withdrawn</u>

In section 7021, insert “(a) OPEN ACCESS.—” before the first line after the section heading and add the following at the end of the section:

1 (b) CLARIFICATION OF FEDERAL AND STATE JURIS-  
 2 DICTION.—(1) Section 201(a) of the Federal Power Act  
 3 (16 U.S.C. 824(a)) is amended by striking all after the  
 4 word “however” and inserting the following: “shall not ex-  
 5 tend to those matters which are subject to regulation by  
 6 the States, including the retail sale of electric energy and  
 7 any component service thereof.”.

8 (2) Section 201(b)(1) of the Federal Power Act (16  
 9 U.S.C. 824(b)(1)) is amended by inserting in the last sen-  
 10 tence, before the period the following: “, nor shall the  
 11 Commission have jurisdiction over bundled retail sales of  
 12 electric energy, including the transmission component of  
 13 sales of electric energy to retail customers”.

14 (3) Section 201 of the Federal Power Act (16 U.S.C.  
 15 824) is amended by adding the following at the end there-  
 16 of:

17 “(h) The term ‘bundled retail sales of electric energy’  
 18 when used in this part means sales of electric energy to  
 19 retail customers where generation, transmission, distribu-  
 20 tion and other services necessary to supply electric energy

1 to such customers are sold as a single delivered product  
2 by a single seller.”.

3 (c) EFFECT ON STATE LAW.—Section 206 of the  
4 Federal Power Act (16 U.S.C. 824e) is amended by add-  
5 ing at the end thereof the following:

6 “(e) A transmitting utility reserving transmission ca-  
7 pacity (or reserving the equivalent amount of tradable  
8 transmission rights) to meet any legal or contractual obli-  
9 gation to serve customers, to deliver reserves in an emer-  
10 gency, or to serve retail customers at bundled rates set  
11 by a State commission or a retail regulatory authority,  
12 shall not be considered as engaging in undue discrimina-  
13 tion or preference under this Act.”.

14 (d) Part II of the Federal Power Act is amended by  
15 adding the following new section at the end thereof:

16 **“SEC. 217. SERVICE OBLIGATIONS OF ~~UNRELATED~~ LOAD-SERV-**  
17 **ING ENTITIES.**

18 “(a) ~~Unrelated Firm Transmission Rights or an~~  
19 ~~Unrelated Transmitting Utility.~~ The Commis-  
20 sion shall ensure that any load-serving entity that, on the  
21 date of enactment of this section, by reason of ownership  
22 of transmission facilities used for the transmission of elec-  
23 tric energy in interstate commerce or a contract or service  
24 agreement for firm transmission service, holds firm trans-  
25 mission rights for the delivery of electric energy-

1           “(1) generated at its own generation facilities,

2           “(2) generated at a Federal generation facility,

3           or

4           “(3) purchased under a long-term contract to

5           meet a service obligation

6           is entitled to use such firm transmission rights, or equiva-

7           lent transmission rights, to deliver electric energy to meet

8           its service obligation.

9           “(b) USE BY SUCCESSOR IN INTEREST.—To the ex-

10          tent that all or a portion of the service obligation covered

11          by firm transmission rights is transferred to another load-

12          serving entity, the successor shall be entitled to use the

13          firm transmission rights associated with the transferred

14          service obligation consistent with subsection (a).

15          “(c) POLICY.—The Commission shall exercise its au-

16          thority under this Act to facilitate the planning and expan-

17          sion of transmission facilities needed for load-serving enti-

18          ties to satisfy their service obligations.

19          “(d) DEFINITIONS.—or the purposes of this section,

20          the term ‘load-serving entity’ means an electric utility or

21          Federal power marketing administration that has an obli-

22          gation under Federal, State, or local law, or under long-

23          term contracts to provide electric service to either-

1           “(1) electric consumers (as defined in section  
2           3(5) of the Public Utility Regulatory Policies Act of  
3           1978 (16 U.S.C. 2602(5)); or

4           “(2) an electric utility that has an obligation to  
5           provide electric service to electric consumers.

6           “(e) JURISDICTION.—This section shall not apply to  
7           an entity referred to in section 212(k)(2)(b).”.